

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TANH HUU LAM,

Defendant.

No. 2:97-cr-54 WBS

ORDER

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Defendant has a filed a motion for reduction of sentence under 18 U.S.C. § 3582(c). (Docket No. 534.) The court previously denied defendant's motion to dismiss the indictment and defendant's motion to reconsider. (Docket Nos. 523, 525.) Defendant subsequently appealed, and that appeal is pending in the Ninth Circuit.

"The filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over

1 those aspects of the case involved in the appeal." Griggs v.
2 Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982). Because
3 defendant has appealed this court's denial of his motion to
4 dismiss, which calls into question of the validity of his
5 conviction and his sentence, the court has no jurisdiction over
6 the motion for reduction of that sentence. Accordingly,
7 defendant's motion for reduction of sentence (Docket No. 534) is
8 DENIED WITHOUT PREJUDICE.

9 IT IS SO ORDERED.

10 Dated: July 15, 2025



11 **WILLIAM B. SHUBB**
12 **UNITED STATES DISTRICT JUDGE**
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